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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,482	07/14/97	USUI M	920276D2C/LH

LM51/0225  
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EXAMINER

BRIER, J

ART UNIT

PAPER NUMBER

2775

DATE MAILED: 02/25/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/892,482**

Applicant(s)  
**Usui et al**

Examiner  
**Jeffery A. Brier**

Group Art Unit  
**2775**



☒ Responsive to communication(s) filed on Jul 14, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 34, 36, 38, 40, and 42 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 34, 36, 38, 40, and 42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☒ received in Application No. (Series Code/Serial Number) 07/866,744.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

1. The 37 CFR 1.116 amendment filed on 6/16/97 has been entered as instructed by applicants request for filing an FWC filed on 7/14/97.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 38 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Storing means ROM 77 does not output a minimum value and a maximum value when the difference value lies outside of a predetermined range.

4. Claim 40 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Storing means ROM 77 does not output a minimum value and a maximum value when the gray scale of the image data has one of maximum and minimum gray scale data.

5. Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

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claimed invention. At lines 10-12 of claim 42 applicant claims that the third storing means (ROM 77,87) stores a plurality of gray-scale image data based upon the signals provided by the first and second storing means (RAM 73, 74, 83, and 84) . The words based upon are interpreted to mean in response to the signals provided by the first storing means and the second storing means. Page 22 lines 9-13, page 23 lines 7-12, and page 34 line 18 to page 26 line 19 describes the contents of ROM 77. The originally filed specification does not describe ROM 77 as storing gray-scale image data based upon the signals provided by RAMS 73, 74, 83, and 84. At line 9 of claim 42 applicant claims that the third storing means compares the input signals provided by the first and second storing means. ROM 77 is addressed by the input signals and outputs a stored value from a memory location corresponding to the input signal. Clearly, ROM 77 does not compare the input signals. The signals stored in the ROM may represent a comparison but the ROM itself does not compare.

6. Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 36 claims "means for reading out from said storing means gray scale data according to the difference value, when the difference value lies within a particular range". This is not supported by that which is illustrated in figure 9. Clearly ROM 77 is addressed for all gray scale values. ROM 77 is read out for all 31 values of gray-scale for the current pixel and for

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all 31 values of gray-scale for the previous pixel. Thus, it is not seen how applicant can lay a claim to reading out gray-scale data according to difference values which lie within a range.

7. Claims 34, 36, 38, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 34, 36, 38, and 40 are indefinite because in each claim "said generating means" lacks antecedent basis in the claims. A generating means was not claimed in independent claim 42. Claim 34 is indefinite because "said comparing means" lacks antecedent basis in the claims. A comparing means was not claimed in independent claim 42. Claims 34, 36, and 38 are indefinite because "the difference value" lacks antecedent basis in the claims. Claim 34, 36, 38, and 40 are indefinite because independent claim 42 spells gray-scale one way and these claims claim gray-scale another way. Applicant must be consistent with the spelling of gray-scale.

***Allowable Subject Matter***

8. Claims 42, 34, 36, 38, and 40 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Mondays through Fridays from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-9720. The fax number is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

February 24, 1998

  
JEFFERY BRIER  
PRIMARY EXAMINER